

**URBANA CITY COUNCIL
REGULAR SESSION MINUTES – MAY 10, 2011**

Council President Marty Hess called the Urbana City Council Regular Session Meeting to order at 7:00PM, on Tuesday, May 10, 2011, in Court Chambers / The Municipal Building.

Attendance: All Councilmen were present with the exception of Mr. Larry Lokai.

City Staff in Attendance: Mayor Ruth Zerkle; Mr. Bruce Evilsizor, Director of Administration; Mr. Lee Williams, Finance Director; Mr. Doug Crabill, Assistant to the Director of Administration; Mr. Chris Stokes

Roll Call and Pledge of Allegiance

Approval of Minutes

Mr. Al Evans moved to approve the UCC Regular Session Minutes (April 26, 2011); Mr. Eugene Fields seconded. Motion carried without objection.

Communications

Mr. Robert Thorpe moved to place the Urbana Board of Zoning Appeals Minutes (March 7, 2011) on file; Mr. Steve Shaw seconded. Motion carried without objection.

Mr. Thorpe moved to place the Urbana Planning Commission Minutes (March 21, 2011) on file; Mr. Bill Bean seconded. Motion carried without objection.

Mr. Thorpe moved to place the Urbana Design Review Board Minutes (March 28, 2011) on file; Mr. Shaw seconded. Motion carried without objection.

Administrative Reports – Board of Control

1.

Mr. Fields moved to authorize a claim vendor purchase order in the amount of \$6,000 for testing costs for the new Fire Chief (This will be charged to the Fire Dept. Budget, and is in the 2011 Budget); Mr. Kerry Brugger seconded.

No one responded to signify support at the prompting of Council President Hess.

Roll call vote to approve: Mr. Evans, no; Mr. Brugger, no; Mr. Shaw, no; Mr. Thorpe, no; Mr. Bean, no; Mr. Fields, no (6 No – 0 Yes)

Discussion –

Mr. Thorpe asked, “\$6,000 for Testing? Who’s going to do the testing?”

Mr. Bruce Evilsizor responded, “That will be determined at the Civil Service Meeting, which we anticipate having next week. I’ve got to make a recommendation to the Civil Service Commission, and then if they go along with that...then I’ll approve that next week, and then (at that time) we would get the information out to all the employees that are available...that they can test.”

“There’s no way around this? We have to spend the \$6,000 on it—for 2 Chiefs?” asked Mr. Shaw.

“Yes—by the City Charter (you know) the testing has to be done by a qualified testing service...” said Mr. Evilsizor emphasizing the test must be a ‘good predictor of determining the next Police and Fire Chief.’

“The \$6,000 should be on the high side—if everything goes right,” he added.

Mr. Brugger asked, “Are there choices for who can administer that, or is that just...is there a limited number of folks...?”

“Like testing companies? There is different testing companies out there that can do it—yes,” replied Mr. Evilsizor. “I know we’re not using a bidding process (or selection

process) to determine that...but yeah, there's a lot of companies out there that will do that."

"How do you select which one you're going to use?" asked Mr. Brugger.

Mr. Evilsizor said, "Uh—yeah—I guess I'd like to (you know) get with you later on, if I can. I just want to be careful not to release information until it's available for all the candidates that are able to take the test."

Mr. Al Evans stated, "This is a p.o. for \$6,000, but it may not be that—right?"

"Right--right," Mr. Evilsizor verified.

"Well, I know it's been awhile since we replaced a Chief...Do you recall...what did it cost to test the Lieutenants? Do you recall that?" asked Mr. Evans.

"I know we put it in the Budget—I think maybe \$7,500, maybe \$8,500 for each position—knowing that it can cost up to that much...but no, I didn't go back to look and see what we did the last time," stated Mr. Evilsizor.

"I don't recall the Sergeants and the Lieutenants being—that cost...so it could be less than \$6,000?" Mr. Evans asked again.

"Yeah—yeah," answered Mr. Evilsizor. "It could be less."

Mr. Bean asked, "Is this for 1 test? 2 tests?"

Mr. Evilsizor said, "Yes, this would be for the (I guess) \$6,000 for the Fire Chief, and \$6,000 for the Police Chief...together, in a separate process, and test for each position...and as we go down the line with the test in the future, there will be additional cost down the line."

"So if you have 2 Police Officers vying for that position—that's going to be \$12,000, or just \$6,000?" asked Mr. Bean.

"Just \$6,000 on the Police side," said Mr. Evilsizor.

"Same on the Fire side?" asked Mr. Bean.

Mr. Evilsizor answered, "Uh—yes, yeah."

Mr. Fields noted that once the Chiefs are tested, there will have to be another test for Lieutenants (probably not as costly).

Mr. Evilsizor explained:

"It will probably (I guess) if you get into like testing for a Fire Captain...where you have...where you may end up with a dozen or so (you know) employees going for the test...same way for a Sergeant's position to where you may have a dozen or so going for the test...and where if you do an assessment center, there's a good chunk of money for an assessment center...and where (if they have to do 2 groups), they normally do maybe 6, 7 people at a time...but if you get more than that, you have to do 2 separate days (that kind of adds a cost)...but these here, there's just a limited number that's going to be taking the test."

"I'm questioning—why are they not putting them out for bid?" asked Mr. Fields.

"Yeah—I know we've never done that before—yeah, there's some companies out there that we've used, and that we have confidence in that they do a good job," said Mr. Evilsizor.

Mr. Evans stated:

"I understand that we're bound by the Charter to do this test, but I think it's a good idea that we try to get the best deal...and I understand about having vendors that we've used in the past...and the confidence that we may have...that doesn't necessarily mean that

another vendor isn't as good...so I think as we're going down the road on this process, we need to try to make this competitive."

Council President Hess asked, "How many parameters does this test for, Bruce? It seems to me, the last time we did this we had several other tests that the Police Chiefs had to take before they finally made the final decision...does this cover everything?"

"Um—we anticipate that it will—yes," Mr. Evilsizor replied.

"Because it seems like the last time—it was a lot more than \$6,000 a piece," said Council President Hess. "Okay—I have nothing else."

Mr. Bean asked, "If we pass the \$6,000 tonight—are we going to bid it out? Are we going to really take a look at some other testing companies to try to get a better price?"

Mr. Evilsizor replied:

"Not for the Police and Fire Chief—yeah, you know we can take a look at that for the ones after that...but yeah, we need to get moving on the Police Chief and the Fire Chief...having a Civil Service next week, is what we anticipate having...and getting it approved, and getting the process started (so that we can get somebody promoted within 120 days). I guess (by Charter), we're supposed to have somebody promoted within 120 days."

2.

Mr. Thorpe moved to authorize a claim vendor purchase order in the amount of \$6,000 for testing costs for the new Police Chief (This will be charged to the Police Dept. Budget, and is in the 2011 Budget); Mr. Steve Shaw seconded.

Roll call vote to approve: Mr. Brugger, no; Mr. Shaw, no; Mr. Thorpe, no; Mr. Bean, no; Mr. Fields, no; Mr. Evans, no (6 – No to 0 Yes)

No discussion regarding this item.

3.

Mr. Evans moved to authorize a purchase order to Pepsi Distributors in the amount of \$3,500 for the adult softball concession stand (This will be charged to Recreation Admin, and is in the 2011 Budget); Mr. Fields seconded. Motion carried without objection.

Discussion –

Mr. Bean said, "Chris—it's \$3,500—have we ever gotten anything from Pepsi as far as advertising?"

Mr. Chris Stokes addressed reasons why Pepsi is utilized, and particulars.

"Now this is—Pepsi that we sell?" asked Mr. Evans.

"Correct," said Mr. Stokes.

"Now—is this a break even, or do we get a little bit of profit?" asked Mr. Evans.

"We make a little profit...not much, but we do," said Mr. Stokes.

"So we'll be getting our money back?" asked Mr. Evans.

"Yes," answered Mr. Stokes.

4.

Mr. Steve Shaw moved to authorize a purchase order to OP Aquatics in the amount of \$7,000 for chemicals for the 2011 Pool Season (This will be charged to the Pool, and is in the 2011 Budget); Mr. Thorpe seconded. Motion carried without objection.

Discussion –

"Is this more or less than we spent last year?" asked Mr. Shaw.

"About—it's in the ballpark—we're real close—it varies from year to year...it depends upon how much sun shine and pool load (number of people)," said Mr. Stokes.

Mr. Thorpe asked, “What shape’s the Pool in?”

“It’s 44 years old—we patch as we go,” stated Mr. Stokes, also making reference to a recently blown hydraulic hose.

“So this should answer everyone’s questions about whether the Pool’s going to be open,” Mr. Evans commented.

“We’re trying,” said Mr. Stokes.

“We’re buying chemicals—it’s going to be open,” said Mr. Evans.

“...and we have hired a Pool Manager, Mrs. Cheryl Wade (WSI Certified First Aid/CPR)...a very good candidate, a substitute school teacher for the hearing impaired...has school experience at both the YMCA and the Bellefontaine City, so we’re glad to have Cheryl on-board,” stated Mr. Stokes.

“Thank you,” Mr. Evans said.

Mr. Kerry Brugger questioned the Patterson (partial bids), and disqualification.

Mr. Stokes noted, “Yeah--they don’t deliver—and they don’t sell muriatic acid.”

Council President Hess related to Council that Plain City has just put in a new Pool at \$2.5 mil, and said, “Keep it going as long as you can, I guess.”

5.

Mr. Fields moved to authorize a purchase order to Indiana and Ohio Rail System in the amount of \$3,721.80 for railroad flagging services for the Urbana-Bellefontaine Connector (Phase I) COTF-099 Bike Path Project (clearing and grubbing) (This amount will be reimbursed by the Simon Kenton Pathfinders as local share for the project); Mr. Thorpe seconded. Motion carried without objection.

(*This BOC item was added just prior to the UCC Meeting.)

Discussion -

“This is just a pass through?” asked Mr. Fields.

Mr. Doug Crabill explained:

“You’re right—it is a pass through—um, it’s interesting we’re building this bike path, but we’re beside an active rail track currently...so there’s railroad regulations involved, and railroad agreements...and one of the requirements of the railroad was that we have flagging services provided by the railroad (to tell us that there was going to be no train for the day)...um, kind of ridiculous, but um...anyway, we did a clearing and grubbing project in preparation for the Bike Path Project (that project’s done and paid for). It was not included in their contract to do flagging for the City, so that they would handle the flagging expense...and so we worked with the railroad, and worked that out. We basically had to sign a 1-pager saying that we agreed to pay for the flagging services when the work was being done, and that they would invoice us after it was done...and it would have to be paid within 15 days. Last week, I hadn’t seen an invoice within a few weeks...I checked with the railroad in Cincinnati, and they said that...and I got an email Friday (I was off on Friday), so that’s why it didn’t make your Agenda...so...but it is a pass through...it will be the local share match for the Bike Path Project.”

“44 ½ hours total?” asked Mr. Evans.

“Yes,” replied Mr. Crabill.

“How many flaggers do we have?” asked Mr. Evans.

“They have one—but it’s \$81. an hour,” stated Mr. Crabill.

“That’s a good job,” Mr. Evans said (chuckling).

“When was the last time there was a train on that track (that actually moved)?” asked Mr. Shaw.

“It just depends on the day—some days there’s trains on the track, some days there aren’t—so, it’s a railroad regulation...and unfortunately it’s going to be a cost on this project,” Mr. Crabill responded.

Mr. Thorpe said, “If I understand—this flagger that...the railroad will notify someone, and they will send a flagger out there—is that correct?”

“Yeah, the flagger shows up everyday...and calls to see if there’s going to be any trains...and if there’s going to be a train, he’s there all day long...plus mileage, and travel time, and all of that,” said Mr. Crabill.

“But he’s over—this already happened,” said Council President Hess.

“He had to show up everyday?” asked Mr. Thorpe.

“They did show up everyday—I’m not sure they were there the whole time, but they billed for him being there on call time,” said Mr. Crabill.

“Looks to me like there ought to be some kind of communications between where he’s staying and the railroad,” commented Mr. Thorpe.

“Yeah—it’s one of those things where we’re ultimately at the mercy of the railroad (unfortunately),” said Mr. Crabill, also mentioning the liability issue and Federal regulations.

“We won’t need this service anymore—will we?” asked Mr. Fields.

“Yeah—you’ll see it again (probably for a lot greater cost),” replied Mr. Crabill. “So we can get this invoice paid, that’s why it’s in front of you tonight—like I said, I didn’t receive this until Friday (and I wasn’t here)...so...”

“But the Pathfinders are going to...” Mr. Evans began.

“They will pay this as local share match,” said Mr. Crabill. “I just remembered they bill a minimum of 8 hours (I think that’s in the agreement).”

Council President Hess referred to the footnoted Emergency Purchase Order, soliciting questions from Council.

Mr. Kerry Brugger asked, “Is this something similar to what we had last year—where the timing didn’t work—where we couldn’t sell it to some farmers, or some other entities (and we ended up having to bury it)?”

Mr. Bruce Evilsizor answered:

“Yeah—Chad was hoping...(you know) we kind of approved the dollar amount to get the sludge tank cleaned out (which would’ve given more capacity), but with all the rain (and everything) they’re not able to get that stuff out, and get it out on the farm fields...so that’s a (I guess) a part of it, and then a lot of it’s just the ongoing rain that um, um...just had so many days where there’s five, six, seven million gallons of water going through, where there’s normally like two million gallons going through...so it’s just with the ongoing rain...it’s just creating a problem for him.”

Citizen Comments

Mr. Robert Bender (Housing Services Alliance Inc.), 2960 County Rd. 31 So., Bellefontaine, addressed Council on behalf of Continuing Care and Housing Coalition, speaking to the Champaign County Authority. Mr. Bender noted reading the previous meeting Minutes, and distributed a handout to Council (see file). He provided a brief presentation covering: Reasons for Creation of the Champaign County MHA, Retain Current Vouchers in Use, Increase Voucher Availability, Voucher Types, Decrease Unit

Vacancy Rates, Increase Rental Housing Quality, Decrease Impediments to Fair Housing, Help Families with Housing Costs over 30% of Their Income, Increase Home Ownership, Concerns for a Local MHA, The Next Step, and Contact Information.

Mr. Bender stated:

“First of all (it’s a point of order, I understand Council is considering a Resolution)—that’s not necessary, the Metropolitan Housing Authority has already been created...the Dept. of Development has designated this a Metro Housing Authority... it’s just up to the Mayor to appoint 2 persons, then it’s up and running...so if you wish to stall Metro Housing Authority, you can so by not appointing members...but it is not necessary...um, it’s already been designated. It’s according to Ohio Revised Code 3635...um, the other thing is...is I heard, ‘Well, do we have to go this route?’ No, we don’t have to...but we have people suffering, and if you have a better idea we’d love to hear it! You know—how do we support these families? You know—our last point in time count showed that there were 191 individuals that do not have a permanent address. How do you apply for a job when you can’t even put a permanent address on an application? You know—that’s a struggling issue...”

Mr. Bender referred to being homeless at one time in his life, and noted it as a personal struggle/ life changing event that brought him to where he is today. He again discussed the appointments and terms.

Mr. Fields asked, “Am I hearing right--the only thing we need to do is the Mayor has to appoint...we don’t have to go to anything?”

“Yes, that’s correct,” replied Mr. Bender.

Mr. Evans said, “Robert—you may want to have one of the other members address this—I would like you to explain to the Administration, if they act to impede... Would you explain that? Because I don’t think that...I don’t think they believe...”

“That is not my area of expertise,” stated Mr. Bender, deferring to Ms. Heather Martin, Continuum of Care Vice Chair/LUC Regional Planning Commission.

Ms. Martin referred to 2 cases out of Westchester, New York, stating, “When you accept CDBG money, you are saying you will further Fair Housing...if you are preventing it, basically you’re saying you lied when you accepted this funding...um, Westchester County had to pay back \$213mil of funding they had received...plus they’re building housing now to make up for what they did...um, so it affects future and past funding if you accepted grant money.”

Council President Hess asked Ms. Martin to provide a copy of her referrals to the Council Clerk to make certain that Council can review, *HUD Affirmatively Furthering Fair Housing in Westchester County, NY*, and *HUD and the Dept. of Justice Announce Landmark Civil Rights Agreement in Westchester County*.

Mr. Bender referring to HUD, and elderly housing, said, “I don’t believe there needs to be any new units created...just because I think there’s current vacancies that need to be filled, but that’s a demonstration of where it seems that, that’s being zoned out of the City.”

Mr. Dan Walter, 937 Old Farm Rd., addressed Council noting he resides adjacent to Melvin Miller Park and is representing ‘to some extent a number of my neighbors.’ He stated that while those in the area support the idea of a BMX Track, but they’re not in support of putting this activity in the Park. Mr. Walter went on to list numerous

activities/events that take place there, and (while showing pictures to Council) described other area BMX Tracks that are not in residential areas. He stated that the group is in support of activities of this kind that are money making for the community.

“At a neighborhood meeting held this past Thursday (on May 5th), there was general agreement that this project is not suitable for Melvin Miller Park,” Mr. Walter said, also noting some in the group suggested the Moore Property (as a preferred choice), or Muzzy’s Property as more suitable.

Mr. Walter referred to Park capacity, and said the draw from a BMX activity could range from 5,000 to 40,000 people. He provided the *Webster’s Dictionary* definition of a ‘park’ as a place of beauty or recreation. Mr. Walter cited reasons that the BMX Track would not be a thing of beauty (inclusive of ‘rescue dirt’ or carving/reshaping of the hillside). “There is hardly a green project...if mowing the hillside is a burden, perhaps the Park Board would consider seeding some of it in Prairie Grass as a natural buffer between the forest and the existing mowed areas,” he said, noting this conservation technique is currently being utilized at Urbana University. “The fact is—there’s nothing really green about the dirt track...”

Mr. Walter referred to possible destruction of the Park, and questioned whether restoration can actually occur if the BMX Track leaves. Finally, Mr. Walter asked Council to RESCIND Resolution No. 2323, in the interest of preserving critical green space in Melvin Miller Park and to go back to the drawing board on this project.

Mr. Mark Haggard, 215 Dewey Ave. (his parents live at 954 Old Farm Rd.), addressed Council regarding the proposed BMX Track and concerns: noise level, lighting/keeping residents awake at night, concession stands, trash, restrooms or port-a-potty odor, privacy, parking, dust/dirt, property values, bleachers, depreciation of the area, and general safety. He also cited the BMX Track(s) in Springfield and Kettering as not being in residential areas.

Mr. Jamie Shaffner, 225 Jefferson Ave., addressed Council concerning the BMX Track. He emphasized that track activities would not take place at night.

Mr. Steve Shaw asked whether Mr. Shaffner foresees the numbers of people attending that Mr. Walter described.

Mr. Shaffner said figures could range from 3,000 to 5,000, and added, “40,000 is a world event (which has to be at a very large facility)...there’s Olympic trainers that come in...they have to actually pick you (and look at the Track) to see whether it’s suitable for a world event. We’re looking at (maybe) a State competition...some do travel a long distance.

He described the Springfield Track (ABA), and said, “We are NBL.”

Mr. Shaffner stated, “They will stand behind us—if something falters, the agreement that’s made is the Track and land goes back to (completely) the way it was...and as part of Tri-County BMX, they have to step forward and return it back to the way it was.”

Mr. James Pursley, 705 W. Auburn (Bellefontaine), addressed Council regarding the BMX Track, noting he is a college student who is a fellow racer. He said he has been working with Tri-County BMX, and is trying to increase interest in the sport in the area/and at colleges.

Mr. Pursley said he has attended World Races, and stressed that BMX racing has taught him to develop dedication, commitment, skill level, and social skills. He added that he will meet with Ms. Amy Johnson (Juvenile Court System/Probation Officer), to collaborate in getting kids involved in the sport. Mr. Pursley has also made contact with Adriel Schools (West Liberty Salem). He said the BMX Track will be a great asset for kids in the community.

Council President Hess said the BMX topic was discussed months ago, and added that he wished that everyone present at this Meeting had attended then (to have more lively conversations). He thanked everyone for coming to this Meeting.

Ordinances and Resolutions

Third Reading –

ORDINANCE NO. 4361 –

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF CHAPTER 935 INDUSTRIAL PRETREATMENT SECTIONS (935.02, 935.04, 935.05, 935.08, 935.10, 935.11, 935.12, 935.15, 935.19, 935.29)

Mr. Shaw moved to place Ordinance No. 4361 on the business floor for discussion and passage; Mr. Fields seconded.

Roll call vote to approve: Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes (6-0)

Second Reading –

RESOLUTION NO. 2330 –

A RESOLUTION IN SUPPORT OF THE CREATION OF THE CHAMPAIGN COUNTY METROPOLITAN HOUSING AUTHORITY

Mr. Evans moved to suspend the rules on three readings; Mr. Fields seconded.

Roll call vote to approve suspension: Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, no; Mr. Shaw, yes (5-1)

Mr. Evans moved to place Resolution No. 2330 on the business floor for discussion and passage; Mr. Fields seconded.

Roll call vote to approve: Mr. Bean, yes; Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, no; Mr. Shaw, yes; Mr. Thorpe, yes (5-1)

Discussion –

Mr. Brugger stated:

“Just to kind of reiterate some of the comments from last week...first of all, the way the Resolution reads...It says ‘Whereas there is a shortage of safe and sanitary housing accommodations,’ I don’t believe that Metropolitan Housing Authority is going to address that issue! I haven’t heard anything to date yet...I hear comments that you’ve got vacancies...but so far I haven’t seen any data that substantiates that! Another part of this...I guess my biggest issue is (you know), we’ve got issues in this City that we need to address that (I believe) are far more pressing than trying to develop a Metropolitan Housing Authority! I’m sure there are people that disagree with that, and I’m happy to talk with them...but even though we’re going to assign resources/participate in a Board, I don’t believe it will be at 7:00 at night...I think it will be during their work hours. We’re shutting the City down on Fridays, because we don’t want to spend money...it doesn’t cost money, but why are we shutting people down...just...it’s free...so I think (you know) if we look at the big picture, I’m concerned (going down the street) that 2 or 3

years down the road we're going to get into some situations...we're going to be getting into some expense that we don't anticipate at this point. So those are my comments, and we'll take it to where it goes."

Mr. Evans said, "Thank you, Kerry...I want to thank Mr. Bender and the folks from the COC that are here tonight in support of this venture. I understand (as Mr. Bender said) that it's not necessary to have this Ordinance, but I do think it's necessary...because I do think that the Administration needs to understand that the City Council of Urbana, Ohio, supports this program...so that being said, I would ask for a vote."

Mr. Fields encouraged all Council Members to vote for passage, and said, "It's something that's been needed for a long while...I don't think we're going to get a cost on down the road, I think we're going to work out."

Mr. Crabill stated:

"There's a pushback (that there's been someone trying to impede it), and I mean--we had a Meeting that it was decided that we'd build off the Resolution (even though it wasn't necessary as a ceremonial step)...and you guys are throwing it back at me and everybody else involved...saying that we're trying to impede it!...and yet, this was the plan (based on the Meeting we had with Mr. Bender, and Mr. Brown), and so I'm just not sure where..."

Mr. Evans interjected, "Not necessarily a pushback, Doug...I just thought that that was an important piece of information that needed to be understood that that was a potential problem...if...once approved for a program...that if we didn't carry through in some manner (now correct me, if I'm wrong)...if we were approved for this program, and didn't pursue it...that that could be considered impeding Fair Housing."

"Okay—okay—right," said Mr. Crabill.

"...and I'm not trying to accuse anybody of anything...that's a new development for me..."Mr. Evans said.

"Well, I think that zoning change thing is another issue that needs to be addressed," said Mr. Crabill.

Mr. Evans replied:

"Well, that's a separate issue but as far as (you know), when I heard that—those are the kind of wacky things that could be taken up by somebody...and down the road, we're facing a lawsuit...because we're (or not necessarily a lawsuit), but having to defend ourselves, because we've been accused of impeding Fair Housing...so if you felt I was pushing back—I wasn't, I'm trying to get that point across...because I think it's very important."

"Right—well (for me, personally) I understand what you're driving at...my point was that the Resolution was a ceremonial step...it was discussed in meetings that...this would be the way we'd go about it, and essentially Council (as a whole, blessing the concept), and then going forward...and I keep reading, and hearing, and getting these under tones otherwise, and it's just kind of frustrating," stated Mr. Crabill.

"I understand—the whole process has been very frustrating," Mr. Evans remarked.

"Hopefully, with potential passage of this Resolution—we can move forward," said Mr. Crabill. "Thanks."

"With the information that we received tonight about the CDBG Grant—because I mean, we get a lot of those grants here in the City...so...we don't want to do anything that wants to impede," stated Mr. Fields.

“There’s that issue, and that zoning question—I’ve heard that, but I wasn’t involved when that change was made...so...it would be worth revisiting,” Mr. Crabill concluded.

RESOLUTION NO. 2332 – (Revised)

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED

(*Read and declared a Second Reading)

Discussion –

Mr. Crabill noted, “I think this is due in August.”

Mr. Evans (to Mr. Evilsizor) said, “Bruce—you and I talked briefly last week about...uh, the idea that (you know) I want to just—for a point of clarification—that this was a Resolution (or an idea) that this was going to be used for a specific purpose...and these dollars that we’re going to be applying for, are not earmarked for any specific program...you were just giving an example of a possible program?...and when I say a possible program, I’m referring to the Moore Property driveway...”

Mr. Evilsizor replied:

“The application from the FAA (I guess) would be two things...just our annual application for that \$150,000 non-primary entitlement money that we normally get each year (just for the Airport activities), and then additional money to help with the runway extension project...so (I guess) the application money would include three things...we still need to work with Dorothy (Moore)—which we have been a long time, to try to figure out some way with the runway extension...”

He referred to provision of a public road access to Dorothy’s property which could involve land acquisition.

Mr. Evilsizor stated:

“It also involves rehabilitation of some of the apron area (that needs to be resurfaced)—I guess that’s going to be a two-fold thing where (you know) we apply for the State money to help resurface the bad areas out there...and then um, we’re going to need some additional money...so the FAA money would be used for that also...and then also...(you know) application to construct an access road somewhere back there...just in working through the different options that are available out there, to try to find something that will work to extend the runway, but then also to protect Dorothy (and help Dorothy) there...um, it seems like maybe constructing an access road is probably the best way to go...and that road is, to be determined how that road is going to be laid out back there...but this would be (I guess) a question to the FAA, because it’s going to be over a million dollar application to the FAA, but...so it will be a question to the FAA whether they’re willing to put money into the project...told us verbally that just over the last several years that uh...yeah, they think it can work, but we still have some work on our end to pull the whole thing together. It will be a question to the FAA to whether they’re on board enough with the project to (yeah) help fund this portion of it.”

Mr. Evans stated:

“That answered my question, but it brings another question to mind...would it behoove us to (before we move forward with language in an application) that addressed an extension of the runway...which this phase would move onto Mrs. Moore’s property...wouldn’t it be better that we have an agreement with her, before we ask the

government to fund it? I mean—we don't have an agreement at the present time—how could we have language in a proposal for money, that we're not even sure if we have an agreement with Mrs. Moore? We don't have an agreement with Mrs. Moore.”

Mr. Evilsizor answered:

“Yes—that's correct, and we've been working (yeah) the last several years to try to come to an agreement on that issue...so it's uh...which one do you do first...I guess, we're hoping to have an agreement first, and then approach the FAA...but as we go along, we figured (well) we'll go ahead and ask the FAA for their portion (you know)—to see whether they're committed to a project (or not).”

“This isn't due until August?” asked Mr. Evans.

“Yeah—it's either July or August—it's later on this Summer,” said Mr. Evilsizor.

Mr. Evans moved to TABLE Resolution No. 2332 (until ‘a time has come when the City has a workable agreement with Dorothy Moore’); Mr. Brugger seconded.

Motion carried with one objection to TABLE by Mr. Steve Shaw.

First Reading –

RESOLUTION NO. 2333 –

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A FY2011 COPS HIRING PROGRAM GRANT APPLICATION TO THE U.S. DEPT. OF JUSTICE FOR THE POSSIBLE FUNDING AND HIRING OF ONE (1) FULL TIME POLICE OFFICER

Mr. Crabill explained the Resolution, and the process.

“Our intention is—with a (Police) Department of our size, we can only fund 1 position with this program—so this would be to apply to that program again, and try to put an officer back on the streets, through the grant program (similar to what the Fire Department was able to get for their staffing),” stated Mr. Crabill. “Lt. Lingrell has been working on this—he had me come down today, and we realized that we needed to do a Resolution...it just kind of got overlooked in the process, so I went tonight (and wrote one up before the meeting), and brought it to you. It's due on May 25th...”

He requested passage at this Meeting.

“Point of order, Mr. Hess, is this an item that would need suspension of the rules...or can we just pass it as a Resolution?” asked Mr. Evans.

Council President Hess said, “Well, it's going to cost you something in 3 years, so you had better suspend the rules...”

Mr. Evans moved to suspend the rules on three readings; Mr. Bill Bean seconded.

Roll call vote to approve suspension: Mr. Fields, yes; Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes (6-0)

Mr. Evans moved to place Resolution No. 2333 on the business floor for discussion and passage; Mr. Shaw seconded.

The Council Clerk noted to Council President Hess that the Resolution had not been read; Council President Hess directed the Clerk to read the Resolution.

Roll call vote to approve: Mr. Evans, yes; Mr. Brugger, yes; Mr. Shaw, yes; Mr. Thorpe, yes; Mr. Bean, yes; Mr. Fields, yes (6-0)

Discussion –

Mr. Crabill noted this will involve bringing back a laid off officer.

“I know—Bruce—that you extended the recall length on those officers, would this be covered, or do we need to extend that...?” asked Mr. Evans.

“Yeah—we’ve got plenty of time—I think it stated it from two years to three years,” said Mr. Evilsizor.

Miscellaneous Business

Mr. Shaw - Nothing at this time

Mr. Thorpe - Nothing at this time

Mr. Bean - Requested an update on the Income Tax from Mr. Williams
“We’re at two-ninety...the month forecast is three-thirty, so we’ve got forty to go in 3 weeks,” said Mr. Williams.

Mr. Fields - Nothing at this time

Mr. Evans - Said ‘Hello’ to his bus riders on Bus #6

Mr. Brugger - Said, “First of all, I had the opportunity to meet with some of the residents regarding Resolution No. 2323...a lot of good discussions that came out of that meeting...a couple of lessons that I believe (I take away from this experience)...sometimes we get ahead of ourselves with suspending the rules on three readings...I think this is a case in point (to where, if maybe we had done our due diligence at that time—again, I don’t remember back to lunchtime very well), but I can’t remember in February from stressing enough that we had to do...as we had in the past that night...so with that (I kind of lead into my next comment), we had suspending the rules on the Metropolitan Housing tonight--so be it! If it wasn’t required, what’s the emergency? Why do we suspend the rules tonight? We had another one with the COPS (excellent program)—obviously had been in the works, it probably shouldn’t have been an emergency! So (I guess) with that, I’d like to lead into a question (that I haven’t got answered yet)...maybe we can bring it up at the Work Session (and we can have an answer)...the Resolution 2323 that’s on the books, it was worded that (if I remember correctly) that the BMX Park would be placed in the City Park...”

Mr. Evans interrupted saying it wasn’t Resolution 2323, and he was corrected by Mr. Brugger.

“Oh, I’m sorry—you’re shaking—I’m sorry about that,” said Mr. Evans.

“I’m just trying to work through some issues that exist,” Mr. Brugger stated. “I just think that we need to do our due diligence for the City residents to make sure that we take things to the full limit...to make sure we’re looking at the entire picture...my question is for the BMX Park at the City Park, it’s a valid Resolution (I would assume, Bruce) in the fact that we did pass it...and it’s still active... the question that probably would have to be asked is—if the BMX Park is in place at the City Park, but we go to another City owned property—another Resolution would have to be passed...if we can’t answer that, I understand...but I think we need to talk about it at the Work Session.”

Mr. Evilsizor responded:

“What we did there—we brought the issue to Council (kind of as a public forum type thing, to give people a chance to respond)...I know we had it on the Work Session, and also Regular Session. I know there’s been some thought in the past that a Resolution of support only needs one reading, because it doesn’t involve money...but yeah—it’s certainly something that (you know) an issue or (you know) project you want to see that works well with everybody...we tried to do that (get it out), so we had a chance to hear everybody’s input on it. Does Council have to authorize something being placed out at the Park—I’m not sure there, but I think it’s definitely something that’s (you know) something new, something different like that...and it’s something that can be a hot button

issue with uh...with the residents...but yeah, before it would go any place else (yeah) we would come forward with a Resolution before City Council.”

Mr. Brugger (again) said he would like this as a Work Session topic.

Mr. Brugger moved to excuse Mr. Larry Lokai from this Meeting; Mr. Fields seconded. All were in favor of excusing Mr. Lokai.

Mr. Crabill - Discussed grass mowing season, and enforcement of the Grass Mowing Ordinance

Stated, “Just an important thing to clarify—I don’t like not working on Friday. For a year and a half, I’ve given up \$80. a week of my pay. I keep hearing there’s no savings to the City to give up that money—I’d love to have \$320. a month back in my paycheck...but I also wanted to have a job, and I was willing to make that sacrifice...so I continue to hear us get beat up for that! A lot of weeks I’m here more than 36 hours, so it’s just a little frustrating to continue to hear that there’s no savings...and ‘Why are we closed on Friday?’ ...so it is what it is! I make \$21. an hour—if you work up the salary, and if you add it up and take out 4 hours a day away (or 4 hours a week away), and it adds up quick! I’ve seen it on my tax return 2 years in a row...so...but I’m also thankful I have a job in the current economy. I just wanted to clarify that there are people sacrificing in the building, to give up part of their pay to keep the City operating. I wasn’t here in November when it was discussed—and I don’t believe it was explained well...so...”

Mr. Stokes - Provided a (rainy) update on Baseball/Softball; Noted he has ‘the hardest working crew in the City, especially with mowing
He expressed his appreciation to (Davy, Bobby, Ed, Bill, Keith)
Mr. Stokes acknowledged the concerns of Mr. Brugger, Mr. Haggard, and Mr. Walter regarding the support for the BMX Track in the Park

Mr. Stokes referred to Melvin Miller Park as a park ‘to be enjoyed by the citizens of the Park.’

“We didn’t need to bring that to Council for support (it’s in the Park)—we can build whatever we want to build...because we want to be conscientious to the citizens...that’s why we put it on the Agenda, and brought it out asking for your support,” stated Mr. Stokes. “I would hope (and this is where I get miffed), nobody calls me! We want to have public meetings, when we want to do this stuff—nobody calls me, and says, ‘What’s going on? Where are we at?’ To the Bike People, ‘You’re not putting a pile of trash in my yard!’...because I take that/my guys take that, as our yard!”

He referred to the buy of the Botkins’ property, and said, “We take pride in how good our Park looks—we’re not going to let them put something in there...that they can’t take care of, and we can’t help them take care of!”

Mr. Stokes elaborated on reasons to have this activity in the Park (and not on the Moore Property), specifically citing safety issues involved with children crossing Route 68, and easier accessibility for youngsters to go to the Park.

He added, “If we bring 5,000 people to the Park—great! That’s what it’s there for, and I would think Mr. Miller would be proud that we could have something to that effect.”

Mr. Stokes (again) invited people to come and talk to him, “Please, come talk to me!”

Mr. Williams - Nothing at this time

Mr. Evilsizor - Reminded residents/others that the mulch is ready at the Compost Facility, and spoke again of Facility hours/cost for mulch
Told Council the COPS Grant announcement came out May 2nd,
and was due May 25th

Said, “On the Chief’s process—can I have some direction there on what it is the Council wants? (You know) the Chiefs’ process...and I know you mentioned bidding it out, or trying to get a cheaper price.”

Council President Hess said it will be on the Work Session Agenda.

“I think the consensus is—send it out for bids, and bring it back to the Work Session,” said Mr. Fields.

Mr. Evans said:

“We have other vendors—I understand it’s a \$6,000 item that may not be \$6,000—but there were some questions asked about the tests themselves that we may or may not need to know...but I would like to know if XYZ Co. will do it for \$5,000, or \$3,000, or...I understand that it’s comfortable to work with vendors that you have experience with, but I also know that sometimes when you try somebody new...you can be pleasantly surprised at the result... so my objection is—is the fact that we’re not trying to be—have a competitive price. Use the bidding process that we’ve put in place (that we’ve already—not done), and bring us 3 or 4 bids...or put it out to bid...if no one bids, that’s okay—but at least (maybe) we can get something competitive.”

Mr. Evilsizor replied:

“I guess (the way I see it) it’s the Civil Service’s job to determine (you know) what testing service we use, and what test we use...and not City Council’s (I guess—with all due respect)...you know, City Council has to approve the money (and so, there is that approval there), but I guess (you know—looking at the Charter/looking at the Ordinance), I think it’s Civil Service’s responsibility to determine that, and if you get into the cheapest or lowest cost...that may not be the best way to go...when you’re talking about promotion (that’s a very sensitive topic). You want to make sure that you have a quality (you know) testing service in place, because the people that take these tests--take these tests very seriously...and they want somebody (you know) really good doing the tests...not necessarily the lowest cost company that can provide it...and that’s the reason that we did a claim vendor—is thinking that we’d leave it up to Civil Service to make that decision on which test it is/which company it is.”

“I’m thinking maybe we ought to have somebody from the Civil Service Commission here—next Tuesday,” stated Mr. Bean.

“Yeah—and I don’t know if Civil Service is going to be concerned with cost (they would be somewhat), but I think they’re going to be concerned with making sure that it’s a valid test/it’s a fair test to everybody, that it’s going to accomplish what we need to accomplish—to get a top quality Police Chief and Fire Chief,” said Mr. Evilsizor. “We were looking at having a Civil Service Meeting (I guess) uh maybe...I want to make a recommendation to Civil Service next week, so maybe Council Members would want to come to the Civil Service Meeting (and participate that way)...I think that might be more appropriate than for them to come to a Council Meeting.”

Council President Hess cautioned, “As long as more than 3 of you don’t go...in all due respect...the testing, but I remember when we tested for a Chief we got a pretty bad one once too...but then, it’s up to you guys.”

He instructed Council regarding questions they may want to ask Civil Service.

Mr. Thorpe said, "I guess what's blowing our minds is they're asking for a blanket of \$6,000, and you have no idea what it's going to cost!"

"I know it's going to be less than \$6,000," Mr. Evilsizor interjected. "I guess with the Civil Service process—a key thing with Civil Service testing is, you do it a fair way—you really want to not release information until everybody can get it at the same time. So if we release some information tonight, and then a...go to Civil Service (and release some more information), and (yeah) it's just not good for the process...it gets the candidates (you know) thinking this or that, and um (you know) if we just wait until the Civil Service Meeting, and say, 'Here's the test that we recommend, and the process that we recommend'...and if they approve it, then everybody gets it the same time (either that night, or the first thing the next morning), and it's...I guess (my hope was) that Council would approve the money, and next week Civil Service would approve the testing...and then everything could be released at the same time to the candidates...and they could get started on their part of...studying and preparing."

Council President Hess said, "Right now—Council wants to talk about it at the Work Session—I don't know what else to tell you."

"Okay—yeah, yeah—this helps—thank you," said Mr. Evilsizor.

Mayor Ruth Zerkle - Said, "Council, I'm very disappointed in you—this is an Administrative decision (that Bruce had to come up with), and he is correct on having the right package together for the gentlemen to take the test appropriately...and I just...I'm very disappointed in you, that you can't make that decision to allow \$6,000 for testing per individual (as we've done in the past)."

Council President Hess –

Briefly discussed questions of whether there is an Ordinance against putting grass in the street; Reminded residents to keep gutters clean to avoid back up

Agreed with Mr. Brugger regarding having three readings on Ordinances/Resolutions; Noted there are times there are emergencies

"Sometimes it comes to us (and you've got to pass it)—you don't have to like it, or you can vote 'No'...and that way you will feel that you did the best job you can," stated Council President Hess. "The Charter says that you're supposed to have it 48 hours in advance, and you got two tonight. That's something that you guys have to decide what you want to do."

Mr. Evans added, "...and that's in Council Rules also."

Council President Hess said (to Council):

"...and as far as coming to you with some of these Resolutions, it kind of spreads out...who's...and I don't want to say the blame's put on anybody, but if something does go wrong (like this one)...Council said it was okay (or the Administration said not to), that's...I mean, it just spreads it all out...it spreads everything out so everybody's involved in it, I guess...not just...I agree, everything should have three readings unless we've got to have it right now, or it's a possibility to get some money...I understand why Doug came to us with this COPS thing...they knew about it last week (well, I think they probably knew about it longer than that), but it wasn't official until last week so..."

Council President Hess thanked Mr. Stokes for his comments, and expressed appreciation for the hard work that the men do at the Park. He defined the Park as ‘one of our major assets.’

Adjournment

Mr. Thorpe moved to adjourn the Regular Session at approximately 8:52 PM; Mr. Fields seconded. All were in favor of adjournment.

Council Clerk

Council President